



**MA Department of Conservation and Recreation
Office of Regional Planning
Best Management Practices**

Compliance with WPA

(Massachusetts Wetlands Protection Act)

Contact: *Nancy Putnam, Ecology Program Director*
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Goal: Compliance with WPA for the conservation of wetlands, waterways, floodplains, and riparian resource areas while conducting routine or periodic maintenance and management activities.



Guidelines

The WPA is administered by local Conservation Commissions in each city or town, although the state Department of Environmental Protection (DEP) oversees its administration. The WPA regulates any activity in a jurisdictional resource area or its buffer zone that will alter, fill, dredge, or remove that area. Coastal and inland resource areas are presumed to be important for private and public water supply, ground water supply, flood control, storm damage protection, pollution prevention, protection of land containing shellfish, protection of fisheries, and protection of wildlife habitat.

State regulations (310 CMR 10.00) define the resource areas, establish procedures for the permit process, and define standards required for permits issued to alter areas under jurisdiction. Floodplain resource areas are usually defined by a FEMA floodplain elevation. Most wetland resource areas need to be delineated on-site by a skilled wetland scientist or ecologist.

DCR staff must take all measures to avoid any alterations to coastal and inland wetland, floodplain, or riparian resource areas. Even very small streams and isolated pools are often under jurisdiction of the WPA, in addition to uplands within 200 ft of rivers and perennial streams.

Prior to conducting a management activity or project on DCR property, it's important to determine if the site is within jurisdiction of the WPA. Please contact one of the DCR contacts listed above for assistance with issues of jurisdiction and environmental permitting.

Regulatory exemptions that may apply:

- Maintenance, repair, or replacement of existing public utility and communication structures, provided impacts to resource areas are avoided or minimized;
- Maintenance of existing lawns and of actively landscaped areas;

Minor Activities are exempt **only** if work is outside of wetlands and floodplains:

- Maintenance including milling, paving, patching, but NOT widening, of existing paved roads;
- Fencing, provided it will not constitute a barrier to wildlife movement; including stonewalls;
- Vista pruning, provided it is more than 50 feet away from a stream bank or from a wetland;
- Plantings of native species of trees, shrubs, or groundcover, excluding creation of new lawn;
- Conversion of impervious to vegetated surfaces, provided erosion/sedimentation controls are implemented and adequate;
- On-site sewage disposal systems in existence on August 7, 1996 and the repair or upgrade of existing systems in compliance with Regulations 310 CMR 15.000;
- Surveying activities, wetland delineations, and environmental assessments provided that clearing and soil alterations are minimized or avoided.

Trail Maintenance and Improvements: Contact Paul.Jahnige@state.ma.us for assistance;

Activities that are subject to review and permitting under WPA Regulations if in resource areas or their Buffer Zones:

- Bike Path or Parking Area improvement projects;
- Dirt road maintenance or improvement projects;
- Installation and replacement of culverts within or near a stream or wetland;
- Maintenance of dams, docks, and beaches.

Recommendations for Project Planning: Contact Ecology Program for guidance

- Design projects to avoid and minimize impacts to natural vegetation and habitats

WPA Filing and Permitting Process: Contact Ecology Program for guidance

Request for Determination: for minor projects or activities with little or no impacts to resource areas and for questions of jurisdiction:

1. Submit form, legal notice or fee, project plans, and description to Conservation Commission (copy to DEP Regional Office)
2. Attend Public Meeting with local Conservation Commission
3. Within 21 days, Commission will issue a Determination

Notice of Intent: for larger projects close to or in resource areas

1. Submit all required information, including forms, fees, plans, & description of work
2. Notify abutters, per requirements
3. Attend Public Hearing, usually held within 21 days
4. Conservation Commission issues an Order of Conditions (permit), if filing is complete.